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Attorneys for Defendants  
 CITY AND COUNTY OF SAN FRANCISCO;  
 LONDON BREED, Mayor of San Francisco in her official capacity; and  
 CAROL ISEN, Human Resources Director, City and County  
 of San Francisco, in her official capacity

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

SELINA KEENE, MELODY FOUNTILA,  
 MARK MCCLURE,

Plaintiffs,

vs.

CITY and COUNTY OF SAN FRANCISCO;  
 LONDON BREED, Mayor of San Francisco in  
 her official capacity; CAROL ISEN, Human  
 Resources Director, City and County of San  
 Francisco, in her official capacity; DOES 1-  
 100,

Defendants.

Case No. 22-cv-01587-JSW

**DECLARATION OF KATE G. KIMBERLIN IN  
 SUPPORT OF DEFENDANTS' OPPOSITION  
 TO EX PARTE APPLICATION AND TO  
 SHORTEN TIME OF NOTICE FOR MOTION  
 TO ENTER ORDER ON PLAINTIFFS'  
 MOTION FOR PRELIMINARY INJUNCTION**

Hearing Date: September 23, 2022  
 Time: 9:00 a.m.  
 Judge: Hon. Jeffrey S. White  
 Location: Oakland Courthouse,  
 Courtroom 5, 2nd Floor

Date Action Filed: March 14, 2022  
 Trial Date: None set

1 I, Kate G. Kimberlin, hereby declare:

2 1. I am a member of the bar of the state of California and counsel of record for the City  
3 and County of San Francisco ("City"). I submit this declaration to support of the City's Opposition to  
4 Ex Parte Application and to Shorten Time of Notice for Motion to Enter Order on Plaintiffs' Motion  
5 for Preliminary Injunction. If called as a witness, I could and would testify competently to the matters  
6 set forth herein.

7 2. On September 12, 2022, Plaintiffs' attorney, Russell Davis, emailed me and my  
8 colleague, Jim Emery, stating that he would be filing an ex parte application. The September 12 email  
9 did not offer a date for any proposed hearing on the motion, nor did it include a copy of the proposed  
10 motion.

11 3. On September 13, 2022, I received a copy of the Plaintiffs' ex parte motion when it was  
12 electronically filed. I learned at that time that Plaintiffs had noticed their ex parte motion for  
13 September 23, 2022.

14 4. On September 14, 2022, I emailed Mr. Davis to inform him that neither Mr. Emery nor  
15 I would be available on September 23, 2022 due to previously scheduled vacations. Mr. Emery and I  
16 are the only counsel of record for the City in this case.

17 5. In my September 14, 2022 correspondence, I asked whether Plaintiffs would re-notice  
18 the motion for a mutually agreeable date. Plaintiffs did not subsequently seek to re-notice the motion  
19 or work with counsel for the City to find an alternate date.

20 6. Neither Mr. Emery nor I are available to attend a hearing on September 23, and the City  
21 therefore does not plan to appear at the hearing.

22 I declare under penalty of perjury under the laws of the State of California and the United  
23 States that the foregoing is true and correct. Executed September 21, 2022 in San Francisco,  
24 California.

25 

26 KATE G. KIMBERLIN